

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**GILBERTO VERDUGO GUTIERREZ,**

**Defendant.**

**8:05CR233**

## ORDER

This matter is before the court on the motion for an extension of time by defendant Gilberto Verdugo Gutierrez (Gutierrez) (Filing No. 13). Gutierrez seeks an additional thirty (30) days in which to file pretrial motions in accordance with the progression order (Filing No. 9) and to continue the trial date. Gutierrez's counsel represents that Gutierrez will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Gutierrez's counsel represents that government's counsel has no objection to the motion. Gutierrez's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

Defendant Gutierrez's motion for an extension of time (Filing No. 13) is granted. Gutierrez is given until **on or before June 18, 2007**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 15, 2007 and June 18, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

Further, the trial of this matter will be continued and will be re-set following the disposition of any pretrial motions or the expiration of the motion deadline set forth above.

DATED this 15th day of May, 2007.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge